



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300**

**Decatur, GA 30030**

**(404) 371-2155 / [www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)**

**Planning Commission Hearing Date: March 3, 2020, 6:30 P.M.**

**Board of Commissioners Hearing Date: May 28, 2020, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** Z-10-1243617 **Agenda #:** D. 1

**Location/Address:** 2061 and 2067 Windyhill Road, Decatur, GA **Commission District:** 3 **Super District:** 7

**Parcel ID(s):** 15-151-01-004 & -005

**Request:** Rezone property from R-75 (Residential Medium Lot-75) to R-60 (Residential Small Lot - 60) for a 25-unit single-family detached subdivision at a density of 5.07 units per acre.

**Property Owner(s):** Guyley R. Tinsley & Janie P. Tinsley

**Applicant/Agent:** APC Contractors, Inc. c/o Miles Hanford & Tallant, LLC

**Acreage:** 4.93 acres

**Existing Land Use:** Two single-family detached homes.

**Surrounding Properties:** To the north, northeast, east, southeast, south, southwest, west, and northwest: single-family residential. Adjoining and surrounding properties are zoned R-75.

**Comprehensive Plan:** Suburban  Consistent  Inconsistent

<b>Proposed Density:</b> 5.07 units/acre	<b>Existing Density:</b> .41 units/acre
<b>Proposed Units:</b> 25	<b>Existing Units:</b> 2
<b>Proposed Lot Coverage:</b> Information not provided.	<b>Existing Lot Coverage:</b> (estimated) less than 10%

**Zoning History:** Based on DeKalb County records, it appears that the zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956.

The Board of Commissioners deferred this application full cycle from the January 28, 2020 public hearing. The original application was for a 36-unit townhome development with a density of 7.3 units per acre. During the deferral period, the applicant revised the proposal to a 25-unit single-family detached subdivision with a density of 5.07 units per acre.

**SITE AND PROJECT ANALYSIS**

The subject property is comprised of two lots that are each occupied with a single-family home. It has approximately 200 feet of frontage on the west side of Windyhill Road, a two-lane local street. The topography is almost level. Numerous hardwood trees are growing in in the back yards of the two properties, especially that of 2061 Windyhill Road, which is densely wooded.

The subject property is part of an extensive R-75 district that stretches from the Candler Road commercial corridor, located approximately 600 feet to the east, to Interstate 20, located approximately two miles to the west and from Glenwood Road, .65 miles to the north, to Interstate 20, approximately one mile to the south. Windyhill Road is a 1,000-foot long north-south street that connects McAfee Road, a collector street, at its north end and Tilson Road, also a collector street, at its south end. Like the subject property, the immediately surrounding single-family residential neighborhood was originally platted in the early 1950s. The Ashling Park (a.k.a. Birkdale Terrace) single-family residential subdivision, developed between 2016 and 2018, is located on the adjoining property to the south. Ashling Park and the other newer single-family residential subdivisions to the south and west have smaller, shallower lots than the properties that were platted in the 1950s. Ashling Park and the newer subdivisions are zoned R-75 and are developed with single-family residential homes.

The applicant requests the zoning action to develop 25 single-family detached units on each side of a public T-shaped street that bisects the site in an east-west direction. Renderings of the proposed homes indicate that they would have a combination of contemporary and traditional architectural features. For example, gabled roofs would be combined with flat roofs. The conceptual site plan shows a sidewalk and landscape strip along both sides of street, and the required transitional buffers along the north, south, and west property lines.

**Compliance with District Standards:**

R-60 STANDARD		REQUIRED/ALLOWED	PROPOSED	COMPLIANCE
MIN. LOT AREA		6000 s.f./3,500 cottage	6,940 – 8,578	Yes
MIN. LOT WIDTH		60 feet	60 feet – 79.8 feet	Yes
MIN. LOT WIDTH – NEW CORNER LOT		60 feet	84.2 feet	Yes
MIN. YARD SETBACKS	FRONT	20 feet	20 feet	
	CORNER LOT - SIDE	20 feet	76.3 feet	
	INTERIOR LOT - SIDE	7.5 feet	Minimum 7.5 feet	Yes
	REAR	30 feet	30 feet	Yes
MAX. HEIGHT		35 feet	27 feet	Yes
MIN. FLOOR AREA OF DWELLING		1,200 square feet	2,400 – 2,880	Yes
MAX. LOT COVERAGE		35%	35%	Yes
PARKING		Min. 2 spaces per unit; max. 4 spaces per unit.	2 spaces per unit.	Yes
MIN. STREETScape DIMENSIONS - PROPERTY FRONTAGE		6-ft. landscape strip, 6-ft. sidewalk, street trees 30 ft. on center	6-ft. landscape strip, 6-ft. sidewalk, street trees 30 ft. on center	Yes

R-60 STANDARD	REQUIRED/ALLOWED	PROPOSED	COMPLIANCE
MIN. STREETScape DIMENSIONS - PRIVATE DRIVES	-ft. landscape strip and 5-ft. sidewalk on each side; street trees every 50 feet	6-ft. landscape strip, 6-ft. sidewalk, street trees 30 ft. on center	The site plan must comply or Yes
TRANSITIONAL BUFFERS	20-ft. buffer & screening fence required along north and south property lines	20-foot buffer & 6-ft. fence	Yes
COMPATIBILITY WITH ADJOINING SUBDIVISION	Three of the following: 1) lot width 80% of adjoining lots; 2) lot size 80% of adjoining lots; 3) min. 20 ft. transitional buffer; 4) lot depth 20% deeper than adjoining lots	Lot width 80% of adjoining lots except for lot that adjoins existing 102 foot wide lot (criterion 1); min. 2- ft. transitional buffer (criterion 3)	A variance from this standard will be required.

**LAND USE AND ZONING ANALYSIS**

**Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.**

**A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

The revised application is consistent with the policies and intent of the 2035 Comprehensive Plan. For Suburban character areas, the Plan states the following policy: “Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density.” (Policy 1) After revision from townhomes to single-family residential, the development echoes the one-unit-one-lot development pattern of the surrounding residential areas.

In addition, Policy 15 of the 2035 Comprehensive Plan states, “Promote moderate density [in] traditional neighborhood development style residential subdivisions, which may utilize alley ways for rear vehicular access.” At five units per acre, the revised single-family residential development would have a density that is well below the maximum allowed density of eight units per acre in the Suburban character area. The density of the development has been reduced by three units per acre, compared to the density of the previous proposal. Planning staff considers the proposed density of the development to be consistent with the moderate density called for by Policy 15 of the Comprehensive Plan. Moreover, the relatively smaller lot size of the revised proposal is in keeping with the development pattern that characterizes traditional neighborhoods.

Close examination of the street system and pattern of lots that adjoin and surround the subject property reveals that it would not be practical to construct the development with traditional neighborhood characteristics such as alley ways for rear vehicular access. Alleys or additional vehicular infrastructure that would allow rear vehicular entrances are not practical on a property with a width of 200 feet. If, for example, the development were

designed with lots on only one side of an east-west street, with an alley behind the homes, it would have an excessive amount of pavement because the street and alley could not be used on both sides. And, both the street and alley would have to be heavily screened and buffered to avoid impacts on adjoining properties.

The proposed development, with lots arranged on each side of a T-shaped street, represents one solution for redevelopment of a relatively large, deep lot that is bordered by lots that have been platted in such a way that they prevent street connection to nearby local streets. As such, it is similar to the subdivisions found approximately 1,500 feet to the east that are served by the Castlegate Terrace and Nettie Court cul-de-sacs.

**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

The zoning proposal is suitable. The proposed density and character of the proposed single-family development would be compatible with that of adjacent and nearby properties.

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

It appears that the property could be developed for approximately 12 single-family homes under its existing R-75 zoning classification with a central east-west street and 115-foot x 85-foot lots. However, without the information that would be provided by an independent market study, it is not possible to determine with certainty whether such a use of the subject property is economically viable.

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:**

Based on the architectural renderings submitted by the applicant, the heights and design of the proposed single-family detached homes would be similar to that of the newer homes on adjoining property to the south. DeKalb County's single-family residential zoning classifications allow a maximum height of 35 feet, which allows construction of two-story homes with peaked roofs. The site plan shows that the required 20-foot undisturbed buffer would be provided on the sides of the property that adjoin R-75 properties. If landscaped in accordance with the zoning standards of Article 5, the vegetative buffer proposed on the north and south sides of the subject property would protect the existing one-story home on the property to the north as well as the single-family homes on properties that adjoin the south side of the site. As examples, the Article 5 transitional buffer planting standards require that the plants be at least six feet high at the time of installation and that they be planted in a minimum of two rows and be staggered "such that a continuous opaque screen is created within two (2) years of planting". The height of the proposed townhomes is therefore not likely to adversely affect the use of adjacent properties. Based on comments from the Transportation Division of the Department of Public Works, trips to and from the site are not expected to adversely affect traffic flow and safety on surrounding streets.

**E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:**

A 2018 National Association of Homebuilders study of consumer preferences for housing indicates that, over the 15-year period from 2003 to 2018, homebuyers increasingly prefer smaller lots relative to the desired size of the home. It states, "Although the median preferred square footage of a home has only changed slightly . . . in 2003, 30% of buyers were willing to accept a smaller lot in order to lower the costs. By 2018, this increased to 40%." The proposed development would replace two aging homes with a subdivision that would respond to this consumer preference. The new homes would breathe new life into a neighborhood that might otherwise decline in value.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:**

No historic buildings, sites, districts, or archaeological resources are located on the property or in the immediately surrounding area.

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

Comments from the Transportation Division indicate that the proposal would not excessively burden existing streets. There has been no indication that the proposal would excessively burden existing schools or water and sewer infrastructure. Future development of the adjoining property to the north should take into consideration the desirability of a street connection with the street proposed for the subject property.

**H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:**

The proposed development would not impact the environment to a greater degree than what is typical for single-family residential development on a largely wooded property.

**STAFF RECOMMENDATION (REVISED FOLLOWING REVISION OF SITE PLAN): APPROVAL WITH CONDITIONS.**

The revised application is consistent with the policies and intent of the 2035 Comprehensive Plan. For Suburban character areas, the Plan states the following policy: "Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density." (Policy 1) After revision from townhomes to single-family residential, the development echoes the one-unit-one-lot development pattern of the surrounding residential areas. In addition, the proposed density of the development is consistent with the moderate density called for by Policy 15 of the Comprehensive Plan. The zoning proposal is suitable. The proposed density and character of the proposed single-family development would be compatible with that of adjacent and nearby properties, and would be screened from view from the rear yards of those properties by landscaped transitional buffers. The proposed development would replace two aging homes with a subdivision that would respond to current consumer preferences for smaller lots relative to the size of a single-family home. The new homes would breathe new life into a neighborhood that might otherwise decline in value. Therefore, the Department of Planning and Sustainability recommends "Approval" with the following conditions:

1. The development shall consist of a maximum of 25 single-family detached homes.
2. The two homes proposed to be located adjacent to Windyhill Road shall front along the right-of-way of Windyhill Road.
3. Owner/Developer shall re-seal the portion of Windyhill Road that fronts the subject property prior to the recordation of a final plat for the final phase of the development.
4. Each home in the development shall have not less than a two-car, enclosed garage.
5. The development shall have covenants that require maintenance of the open space and amenity areas by a homeowners' association. Membership in the homeowners' association is mandatory for owners of properties subject to such covenants.
6. All homes in the development must have a maximum of 2,000 square feet and a minimum of 2,400 square feet of heated floor space, exclusive of garages and porches.
7. Building architecture for the single-family detached units will be similar to the architectural renderings titled "Greystone at Windyhill" by APC Contractors, Inc. stamped as received by the Department of Planning & Sustainability on February 14, 2020, not to exclude other transitional and architectural styles, notwithstanding, however, that the primary roofs of all homes shall be peaked.
8. Exteriors of all homes constructed on the subject property must be of brick, stone, hard coat stucco, or a cement-based material such as hardi-board, or a combination of such materials, with such accent material not to exceed 50% of the façade. There shall be no vinyl or aluminum siding.

9. All utilities shall be underground.
10. Exteriors of all homes constructed on the subject property must be of brick, stone, hard coat stucco, or a cement-based material such as hardi-board, or a combination of such materials, with such accent material not to exceed 50% of the façade. There shall be no vinyl or aluminum siding.
11. Developer shall design, install, and landscape any detention pond located on the subject property, in accordance with Dekalb County regulations.
12. The development shall have a passive amenity area that includes at least one of the following: seating area, pavilion, outdoor fireplace, or fire pit.
13. Developer shall plant at least one (1) canopy tree in each front yard, except where there is not enough room for such a tree, subject to the judgement of the County Arborist. For the purposes of this condition, crepe myrtles and other tall shrubs do not constitute trees. In the alternative, the Developer may preserve existing trees in the locations and quantity required to satisfy the requirements of this zoning condition.
14. Development shall comply with the outdoor lighting standards of Section 5.6.1 of the DeKalb County Code.

**Attachments:**

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. Site Photographs

## NEXT STEPS

*Following an approval of this zoning action, one or several of the following may be required:*

- ✔ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✔ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✔ • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- ✔ • **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- ✔ • **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

**Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**

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**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

N-5

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MADOLYN SPANN [MSPANN@DEKALBCOUNTYGA.GOV](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)**

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: Z-10-1243617 Parcel I.D. #: 15-151-01.0048-005

Address: 2061 and 2067  
Windyhill Rd  
Decatur, Ga

Adjacent Roadway (s):

_____	_____
_____	_____
(classification)	(classification)
Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour Volume (VPH) _____	Peak Hour Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

<u>PLANS AND FIELD REVIEWED. NO PROBLEM THAT</u>
<u>WOULD INTERFERE WITH TRAFFIC FLOW.</u>
<u>12-7-19</u>

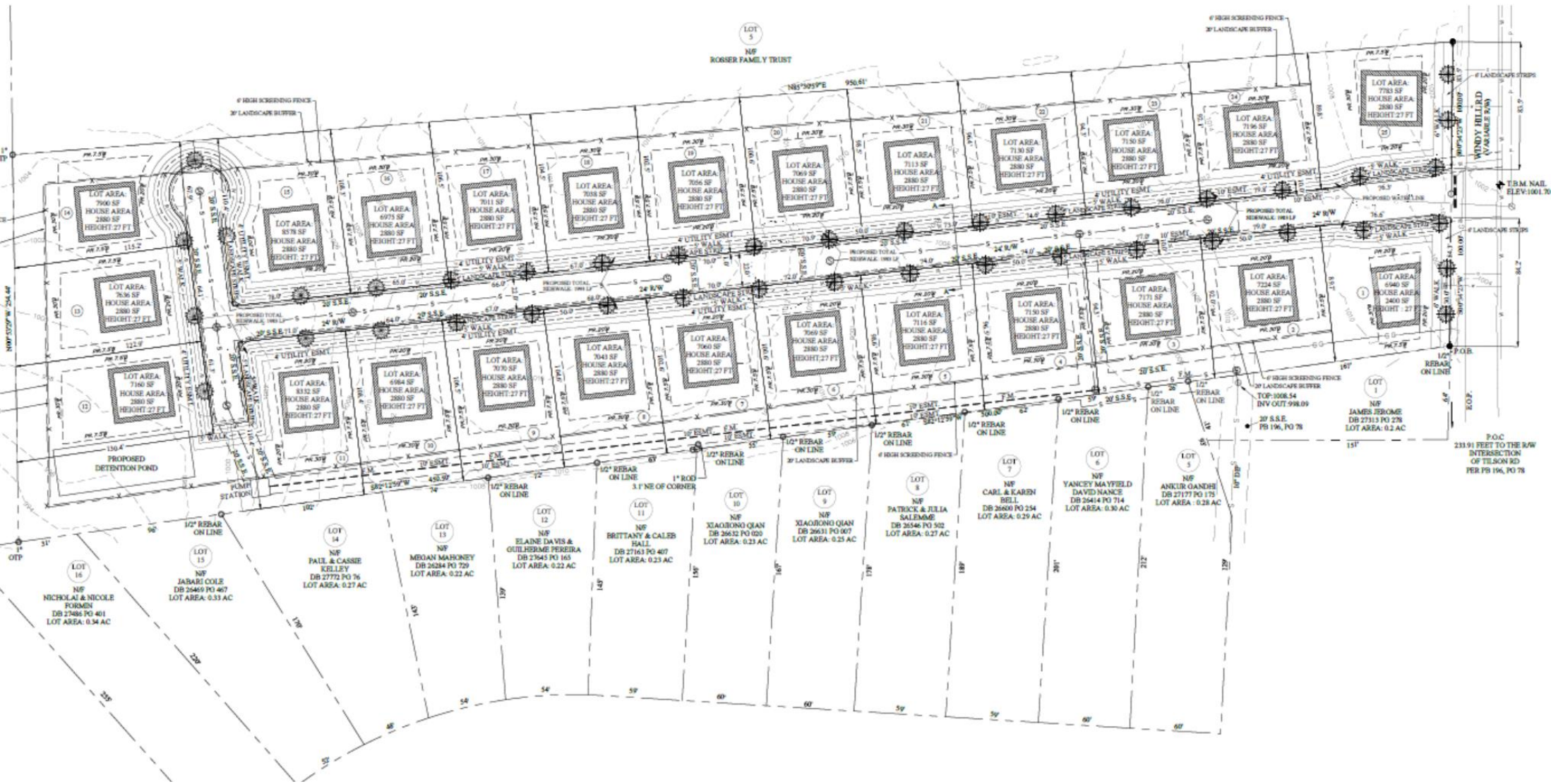
Signature: Jerry White



LEGEND	
	TREES
	EXTERIOR LANDSCAPING
	INTERIOR LANDSCAPING
	DRYWAY

**CONCEPT NOTE:**  
 This Architectural renderings are CONCEPTUAL at this time. Final plans & elevation will be designed after the land disturbance permit (LDP) Documents are substantially complete. Any reference to retaining walls, elevations, driveways, rooflines, etc.. Shown on the renderings are stylistic and conceptual. Similarly, the number of flat or gable rooflines is conceptual for rendering purposes. It is the intent of the developer at this time to provide a variety of architectural styles and rooflines. The exact mix will be determined after approval of the LDP.





P.O.C.  
233.91 FEET TO THE R/W  
INTERSECTION  
OF TILSON RD  
PER PB 196, PG 78

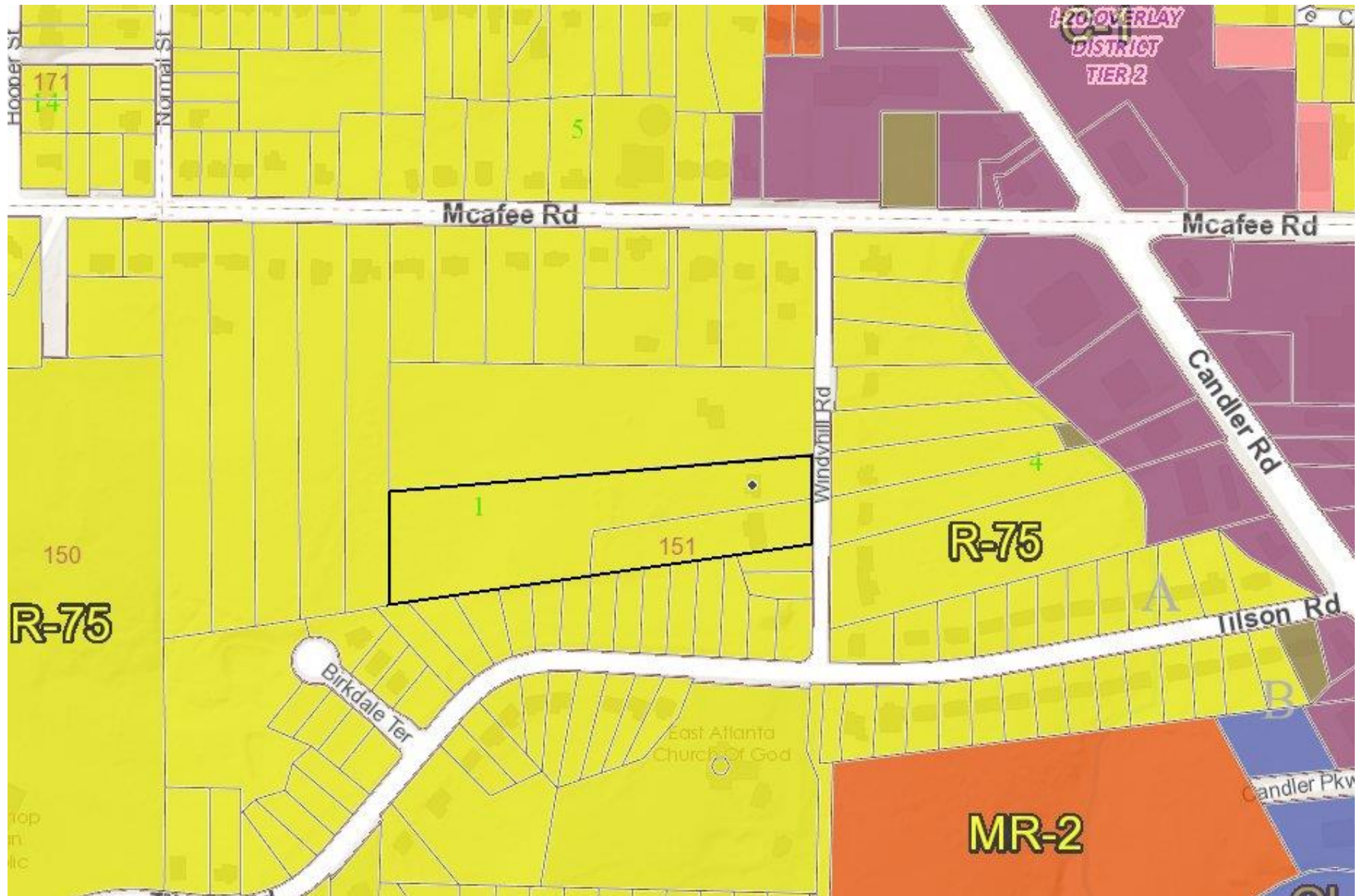
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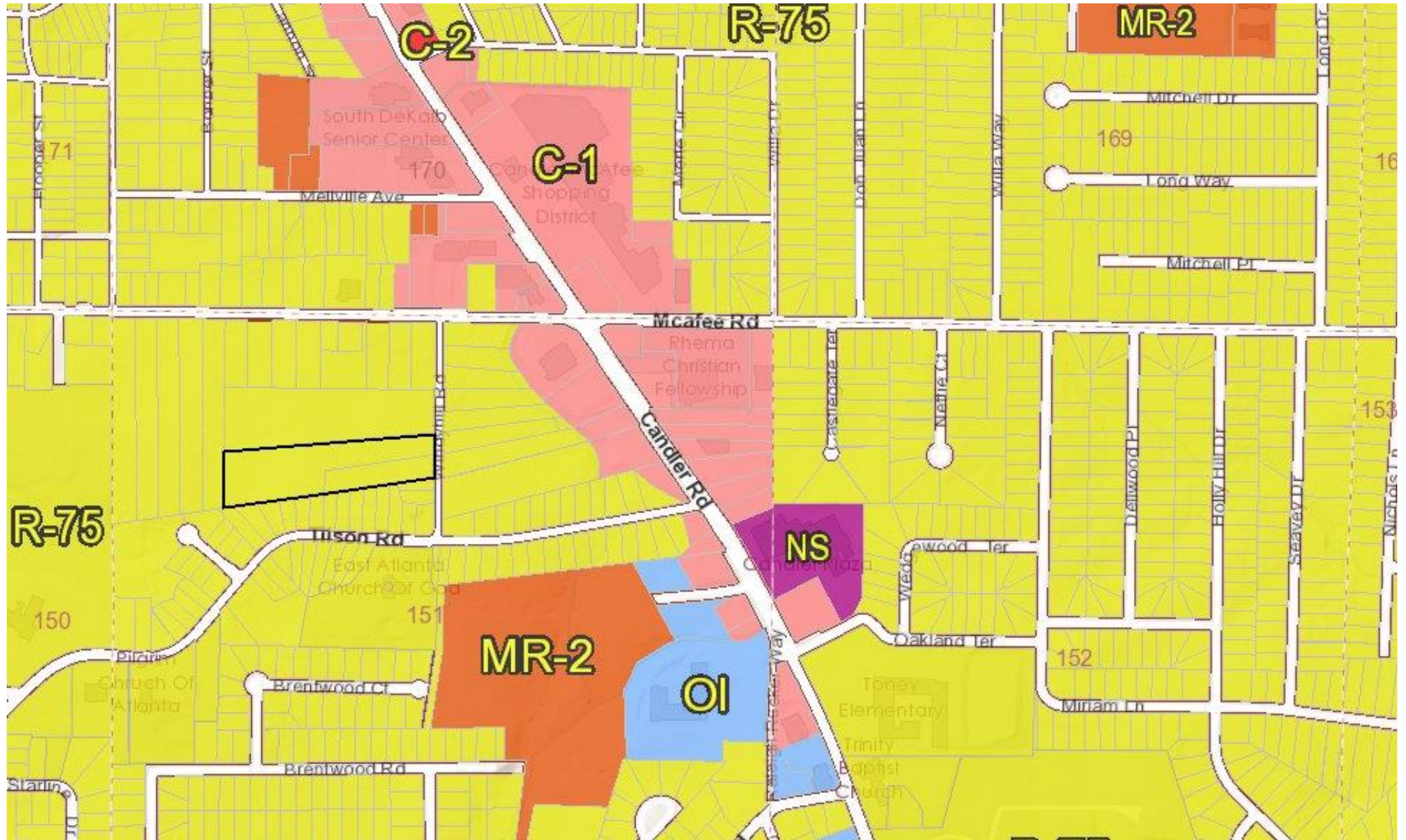
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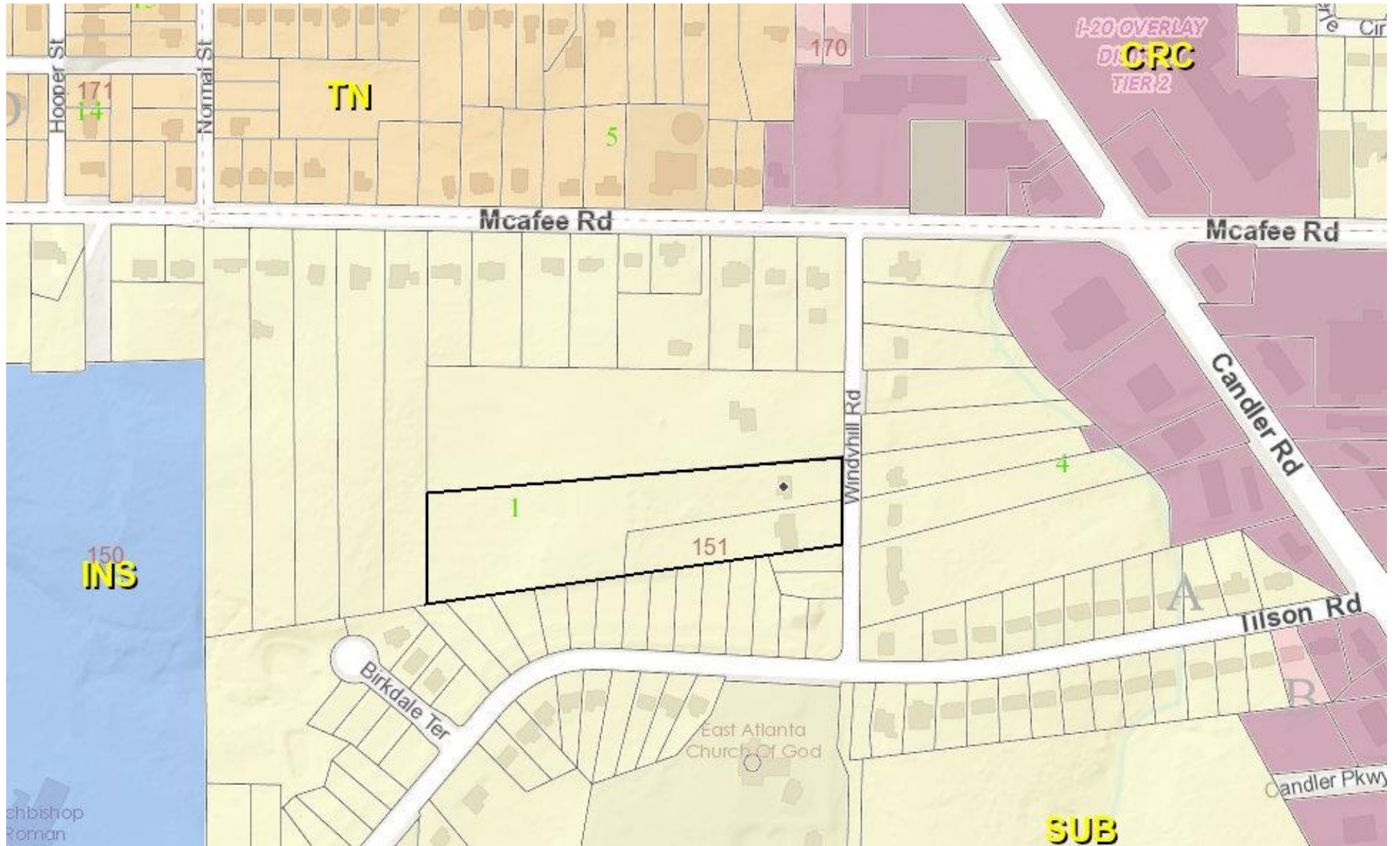




















Subject Property





(left) Homes across Windy Hill Road from subject property.



(right) Homes on nearby Windy Hill Road lots located to the south of the subject property.



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [mmalexander@dekalbcountyga.gov](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

**COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-10-1243617

Parcel I.D. #: 15-151-01-004 & 15-151-01-005

Address: 2061 and 2067 Windybill Road

Decatur, Georgia

**WATER:**

Size of existing water main: 8" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

**SEWER:**

Outfall Servicing Project: Doolittle Creek Basin

Is sewer adjacent to property: Yes ( ) No (X) If no, distance to nearest line: Approximately 388 feet South of property

Water Treatment Facility: Snapfinger Creek WTF ( ) adequate ( ) inadequate

Sewage Capacity: \* (MGPD)

Current Flow: 21.77 (MGPD)

**COMMENTS:**

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.


Signature: 



# DEKALB COUNTY



## Board of Health

2/18/2020

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
Re: Rezone Application Review

### General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

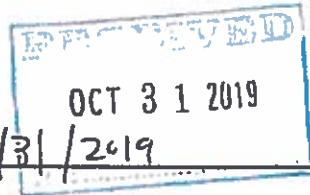
Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health



DEPARTMENT OF PLANNING & SUSTAINABILITY

Rezoning Application to Amend the Official Zoning Map of DeKalb  
County, Georgia



Date Received: 10/31/2019 Application No: 2-20-1243617

Applicant Name: APC Contractors, Inc.

Applicant E-Mail Address: eunderwood@mhtlegal.com / tfisher@mhtlegal.com

Applicant Mailing Address: Miles Hansford & Tallant, LLC - J. Ethan Underwood  
202 Tribble Gap Road, Suite 200, Cumming, GA 30040

Applicant Daytime Phone: 770-781-4100 Fax: 770-781-9191

Owner Name: Guyley R. Tinsley & Janie P. Tinsley

If more than one owner, attach list of owners.

Owner Mailing Address: 2067 Windy Hill Road Decatur, GA 30032

Owner Daytime Phone: 404-284-5844

Address of Subject Property: 2061 & 2067 Windyhill Road, Decatur, GA 30032

Parcel ID#: 15-151-01-004 & 15-151-01-019

Acreage: 4.93 Commission District: District 3 & Super District 7

Present Zoning District(s): R-75

Proposed Zoning District: RSM

Present Land Use Designation: Suburban Character Area

Proposed Land Use Designation (if applicable): Suburban Character Area



**Miles Hansford  
& Tallant, LLC**  
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

38 Sloan Street | Roswell, Georgia 30075

770-781-4100 | [www.mhtlegal.com](http://www.mhtlegal.com)

September 10, 2019

J. Ethan Underwood  
[underwood@mhtlegal.com](mailto:underwood@mhtlegal.com)

**PUBLIC NOTICE**  
To  
**Request for Rezoning**  
Filed by: APC Contractors, Inc.  
Located at: 2061 Windy Hill Road  
Decatur, GA 30032

**Current Zoning – R-75**

**Current Use – Undeveloped**

**Proposed Zoning – RSM**

**Proposed Use – 36 Single-Family Attached Residences/Townhouses**

**PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: SCOTT CANDLER LIBRARY MEETING ROOM**

**Location: 1917 Candler Road, Decatur, GA 30032**

**Date & Time: Wednesday, September 25, 2019 at 7:00PM**

**Please call or email if you have any questions.**

Sincerely,

Ethan Underwood  
Attorney for Applicant









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**LETTER OF APPLICATION AND IMPACT ANALYSIS**

**INTRODUCTION**

This Letter of Application and Impact Analysis is intended to comply with the application procedures established by DeKalb County, Georgia for submittal of land use applications, as required by the Zoning Ordinance of DeKalb County, Georgia ("Zoning Ordinance"), DeKalb County Public Hearing Application Requirements, and other DeKalb County Ordinances and Standards.

The Applicant has submitted contemporaneously with this Letter of Application and Impact Analysis the application package for the Proposed Zoning and Proposed Use, as may be amended (the "Application"). With regard to any zoning, special use permit, and variances requested in the Application (as applicable), the Applicant incorporates herein all statements made in the Public Hearing Application.

**1. LETTER OF APPLICATION**

<b>Applicant:</b>	<b>APC Contractors, Inc.</b>
<b>Subject Property:</b>	<b>4.93 Acres Designated as Dekalb County Tax Parcel(s): 15-151-01-004 &amp; 15-151-01-019</b>
<b>Current Zoning:</b>	<b>R-75 (Residential Medium Lot-75) District</b>
<b>Proposed Zoning:</b>	<b>RSM (Small Lot Residential Mix) District</b>
<b>Existing Use:</b>	<b>2 Single-Family Detached Residences</b>
<b>Proposed Use:</b>	<b>36 Single-Family Attached Residences/Townhouses</b>
<b>ROW Access:</b>	<b>Windyhill Road</b>

The Applicant submits the Application for the purpose of rezoning the Subject Property from the R-75 zoning classification to RSM for the purpose of developing 36 Townhouse units thereon.

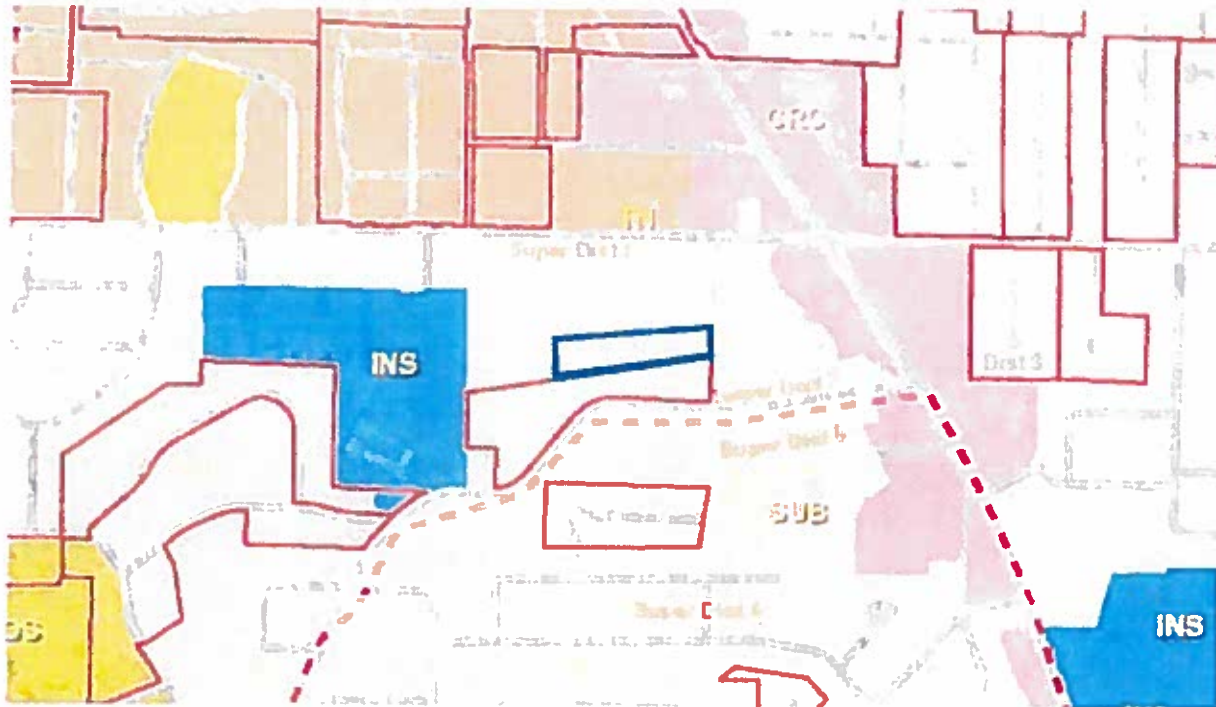
Townhome units will be a maximum of 34 feet in height, 25 feet wide, and be constructed with minimum 2,400 square feet of finished area. Elevation drawings are submitted with the Application and incorporated herein by reference.

**2. IMPACT ANALYSIS**

Pursuant to Zoning Ordinance § 27-7.3.5, when exercising the County's zoning powers, consideration shall be given to factors associated with the use including, but not limited to, the following. The Applicant's Proposed Use satisfies all of these criteria as described below:

**A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.** The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Subject Property is located in the Suburban Character Area, which identifies RSM as a Permitted Zoning and Townhouses as an appropriate Primary Use in this character area. Also, the proposed design for the

Townhomes incorporates varied front setbacks, varied rooflines, varied front facades, and ample open space, all in accordance with design preferences described in the Comprehensive Plan.



**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

The Zoning Proposal will permit Townhouses, a residential use, which is suitable in view of the use and development of the adjacent properties, which are also residential. Candler Road is located to the east of the Subject Property and is a major commercial corridor; to the west is Archbishop Roman Catholic Church, a large institutional use. As such, the proposed RSM zoning will serve as a transitional zoning from high intensity uses along Candler Road to the nearby church.

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The Subject Property does not have a reasonable economic use as currently zoned. The R-75 zoning allows only single-family detached homes. Specifically, the R-75 zoning classification does not allow Townhouses as a Permitted Use. Townhouses are necessary in order to develop a sufficient number of housing units at a sufficient price-point to make the project economically viable for redevelopment.

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

The Zoning Proposal will not adversely affect the existing use or usability of adjacent or nearby property or properties because the Zoning Proposal will allow for a residential Proposed Use that is compatible with the surrounding residential uses.

**E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

The shape, size, and topography of the Subject Property necessitate rezoning of the Subject Property, as its narrow width and large depth prohibit redevelopment using the Current Zoning. The increasing population of DeKalb County necessitates more dense development to accommodate projected growth, as contemplated by the Comprehensive Plan.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

The Zoning Proposal will not adversely affect historic buildings, sites, districts, or archaeological resources because there are no historic buildings, sites, districts, or archaeological resources on or adjacent to the Subject Property.

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The Zoning Proposal will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The projected impact on schools and utilities will be in keeping with projected growth, and applicable impact fees from the development will fund infrastructure improvements. The number of car trips and need for transportation facilities will be comparable to surrounding uses, and the developer will make improvements to surrounding rights-of-way as required by applicable regulations for project improvements.

Assuming each of the 36 proposed homes will facilitate 0.75 students per household persons per residence, the proposed development is anticipated to generate a total 27 new students, which would be phased in over an anticipated 2-year period.

**H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**

The Zoning Proposal will not adversely impact the environment or surrounding natural resources. In fact, because approximately 77% of workers in DeKalb County do not reside in the County, providing additional housing units in the County may lead to more employees residing in the County, potentially decreasing automobile dependency, traffic congestion, and pollution caused by commuters driving through the County to work elsewhere. Also, the Zoning Proposal will not adversely impact the local watershed because there are no streams or stream buffers on the Subject Property and all stormwater will be managed according to applicable codes and engineering standards. Also, the Proposed Use provides open space, especially at the center of the Proposed Use and at the portion of the Proposed Use abutting the Right of Way. Finally, the Subject Property will be planted with numerous trees throughout the site.

#### **CONCLUSION**

Because the Proposed Use and site design comply with all criteria appropriate for consideration of the land use application, the Applicant and owners respectfully request that this Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein

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by reference. The Applicant and owners reserve the right to amend and supplement this Letter of Application and Impact Analysis at any time.

Sincerely,



Ethan Underwood, Attorney for the Applicant



770.521.7200 (o) | Watershed Management  
770.521.7271 (f) | 1580 Roadhaven Drive  
DeKalbCountyga.gov | Stone Mountain, GA 30083

Chief Executive Officer  
Michael Thurmond

Board of Commissioners

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Larry Johnson

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Stephen Bradshaw

District 5  
Meredith Davis Johnson

District 6  
Kathie Gannon

District 7  
Lorraine Cochran Johnson

## LETTER SHOWING SEWER CAPACITY

October 9, 2019

Attention: Stephan Tremblay  
Vest Engineering Inc.  
227 Sumac Trl.  
Woodstock, GA 30188

Re: 2061 Windy Hill Rd.  
15th Dist, LL 151  
Greystone at Windy Hill Townhomes  
Snapfinger

Dear Mr. Tremblay:

The DeKalb County Department of Watershed Management ("DWM") received a sewer capacity request regarding the potential availability of sanitary sewer capacity at the above-referenced location. In response to the inquiry, DWM staff confirms that sanitary sewer capacity may be available for the subject property at this time. After evaluating your capacity request, it has been determined based on the criteria set forth in DWM's Interim Sanitary Sewer Capacity Evaluation Program dated July 13, 2018 that DWM's wastewater collection, transmission, and treatment system has adequate capacity to receive the wastewater flow contribution from your sewer service connection as documented in your sewer capacity request. As such, approval to proceed with the project is granted with regards to sanitary sewer capacity.

Please note that the determination of available capacity expressed herein is not guaranteed as it is based upon the known conditions as of the date of this correspondence and on the provided anticipated capacity needs associated with the project. In the event that sewer system infrastructure improvements are required to accommodate any new flow contribution and ensure adequate sewer system capacity as a result of development on the referenced property, the developer will be responsible for the cost associated with installing any such improvements to the existing sewer system infrastructure pursuant to DeKalb County Code of Ordinances, Chapter 25, Article IV - "Sewers and Sewerage Disposal". Once installed and accepted by DeKalb County, the improvements will be owned and maintained by DeKalb County.

This information is based on currently available data and should only be used to substantiate the potential availability of sewer services as of the date of this correspondence. Circumstances are subject to change and the potential capacity indicated herein is in no way guaranteed.

Should you have any questions or concerns in reference to this response, please do not hesitate to contact the Division of Planning & Development of DWM at [mlotts@dekalbcountyga.gov](mailto:mlotts@dekalbcountyga.gov).

Sincerely,

Zachary L. Williams  
Executive Assistant/Chief Operating Officer

Darren Eastall  
Program Administrator-Consent Decree